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ABSTRACT

This paper discusses a well-known problem of stage categorization within Kohlberg's theory of moral stages (L. Kohlberg, 1973), that of "Stage 4 1/2." Some subjects previously scored at stage 4 in Kohlberg's framework took on some characteristics of stage 2 reasoning, which suggested the possibility of regression. To reconcile this puzzling pattern in a framework that did not allow for regression, Kohlberg developed a stage 4 1/2, which was considered an intermediate between stages 4 and 5. Kohlberg, and later E. Turiel (1974), tried to interpret this developmental deviation as a marked phase of transition. This paper outlines the taxonomy of moral stages and the principles guiding the genetic construction of stages. The paper also presents an example from a longitudinal study of the analysis of the reasoning of one young man over a duration of 6 years. This analysis shows how the individual developed into, and out of, Kohlberg's stage 4 1/2. The case is made that the conflicts Turiel found in his analysis of stage 4 1/2 subjects' reasoning existed only in his own perspective as a third person evaluating the reasoning of the subjects. Their reasoning reflects the structural aspects that characterize Kohlberg's stage 4 1/2 according to a new taxonomy that calls this stage a stage in its own right. The suggested new stage can integrate Kohlberg's stage 4 1/2 as a genuine stage of moral reasoning. (Contains 24 references.) (SLD)

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Paper presented at the AERA Annual Meeting 2001, Seattle 11 Apr 2001
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1. Why not to do stage-theorizing by halves

One well-known problem of stage categorization within Kohlberg's theory of moral stages is that of "Stage 4 ½". It consists in the fact that subjects previously scored at stage 4 later took on some Stage-2-like reasoning, which consequently first led to the assumption that moral regression were possible as a result of major disturbances during adolescence (cf. Kohlberg/ Kramer 1969). However, regression clearly violates Kohlberg's own (as well as Piaget's) basic principle of hierarchical integration in the process of development. Regression is simply impossible within this frame of reference. In an attempt to reconcile the empirical facts with the theory, Kohlberg, therefore, later reinterpreted those puzzling patterns of moral reasoning as belonging to what he then labeled "Stage 4 ½" (cf. Kohlberg 1973; cf. also Colby/ Kohlberg 1987a, pp. 38-39, 91, 114). He held that the subjects concerned had not regressed, but were rather on an intermediate stage between stages 4 and 5.

But even so, this interpretation, too, can hardly satisfy. Since Kohlberg has always advocated the concept of hard stages in connection with the idea of discontinuous leaps from one stage to the next, there is no room for intermediate stages. At least, this would sound like a concession to those who favor the concept of continuity in development, for if there were *one* intermediate stage, there could always be more of them ("Stage 4 ¼", e.g.). And if the stage theory is to be taken seriously, one cannot simply "invent" a new stage, whenever some odd kind of moral judgment or some vague "neither/nor"-case occurs.

Admittedly, Kohlberg and especially Turiel (1974) have tried to interpret this developmental deviation as a marked phase of transition. Yet it is amazing that quite a fair number of empirically tested adolescents are caught just during this period of transition and that they seem to stay there for quite some time. And it is even more astonishing that they, although in a state of internal conflict, are rather sure about what they think is right or wrong (it will later be argued, in this article, that those subjects are neither [necessarily] in a state of conflict nor of transition [Section 4.2]). On the one hand, all this would vindicate the talk of a "stage" in its own right, but, on the other hand, this would also create the problem of how to account for it systematically.

Now, how to go about this problem? On the one hand, the theory is there, and it is still held to be valid as well as it is still commonly assumed that there are more complex or more mature

stages of moral thinking as opposed to less complex forms. So there ought to be stages, after all. On the other hand, the empirical facts cannot be denied and have to be explained. In this contribution it is argued that structural genetics should be taken seriously in order to determine, how Stage 4 ½ – or whatever this eventually turns out to be, eventually – is the stage naturally succeeding stage 4 and preceding stage 5 (if one were not to recur to the regression alternative, which is no real alternative following the empirical evidence at hand).

Within structural genetic theory, there can only be *"full-fledged"* stages or *no* stages (as also any kind of possible substages would have to be "hard stages"). Others have therefore already tried to include "Stage 4 ½" as a stage in its own right into an enriched moral taxonomy (cf. e.g. Eckensberger 1998, 504-510). This will also be done in the present paper, but the central question is about the rationale or the systematic foundation on which to ground such a reconstruction. It is not enough to identify forms of moral thinking and bring them in a temporal ontogenetic order. What is important here, is an understanding of the underlying developmental principles.

Thus, the problem that lies at the heart of this matter is perhaps that Kohlberg has never succeeded in developing a truly structural genetic theory which would have allowed us to (re)construct higher stages from the lower ones, just in the same way as the actual ontogenesis of real individuals is thought to come about (cf. e.g. Tomlinson 1986; Minnameier 2000a, pp. 108-111). There has always been the claim that each stage leads into its specific conflicts or even contradictions which have to be solved by advancing to the following stage, but exactly this developmental process or its underlying dialectical logic have never been revealed in the framework of the Kohlberg stages (c.f. e.g. Kohlberg's last great effort to do so in Kohlberg/ Levine/ Hewer 1984).

Meanwhile, at least an attempt at a genetic reconstruction of moral stags has been made (cf. Minnameier 2000a and b). *On the basis* of an elaborated Piagetian equilibration theory (trying to further develop the last original version as laid out in Piaget/ Garcia 1989), stages of moral development were shown to be literally *constructed out of one another*. The only drawback, so to speak, of this approach is that it does not yield the six Kohlberg stages, but a different set of stages, organized into three layers of forms of moral thinking, i.e., "major levels", "levels", and "stages". However, as the present contribution will try to show with respect to the example of "Stage 4 ½", Kohlberg's stages can be neatly accommodated in this new framework, which would, moreover, also preserve the most characteristic aspects of Kohlbergian stage theory.

In the following sections, I will first give a brief outline of this revised taxonomy of moral stages and the principles guiding the genetic construction of stages (Section 2). As for the description of moral stages, this exposition will be restricted to the context in which Kohlberg "Stage 4 ½" is supposed to be situated, in order to show how this type of reasoning evolves. In Section 3 an example from a longitudinal study[1] shall be presented. I will report an analysis of one subject's reasoning over a period of six years, which shows how this individual has developed into and out of what would have to be called "Stage 4 ½" in Kohlbergian terms. Section 4 revisits Turiel's (1974) analysis of "Stage 4 ½"-subjects. It will be argued that the conflicts Turiel makes out in those subjects' reasoning only exist in his own perspective as a

[1] This study was carried out between 1994 and 1999 by Klaus Beck (University of Mainz, Germany) and his research group and was supported by the Deutsche Forschungsgemeinschaft. This research project focused on possible domain-specific segmentation of moral judgment competence due to socialization effect during business training (cf. e.g. Beck et al. 1999; in print)

third person evaluating the subjects' arguments. On top of this, their reasoning reflects perfectly well the structural aspects that characterize Kohlberg's "Stage 4 ½" according to the new taxonomy.

2. *From halves to whole: accommodating "Stage 4 ½"as a stage in its own right*

2.1 On the cognitive architecture of morality

The architecture of moral stages according to this new approach shall only be laid out in a rough sketch here (for more details cf. Minnameier 2000 a and b). The main constructive principle is derived from Piaget & Garcia (1989), who assume a dialectical sequence of stages and levels throughout development as a whole.[2] Each triad consists of three characteristic types, which Piaget & Garcia call "intra", "inter", and "trans". These forms could also be paraphrased as *differentiation* (intra), reciprocal *relation*[3] (inter), and *integration* (trans) (cf. Piaget/Garcia 1989, pp. 273-274). This is to say that a given object of cognition is first differentiated into similar forms, which are – at this initial stage – evaluated independently of each other. The respective operation would be that of "negation", as different forms of a thing are clearly distinguished which is equivalent to the construction of – otherwise similar – negations of the object in question (A, A', A'', ...). In this context, Piaget & Garcia remind us of Spinoza's famous word *"omnis determinatio est negatio"* (cf. ibid., p. 177; this interpretation in terms of characteristic operations is, however, already going a little beyond Piaget & Garcia)[4].

At the "inter"-stage the opposed objects of thought are reciprocally related, but in a way that does not account for the specific differences between them (reciprocity without negation). This then happens at the "trans"-stage, where the differentiated objects are reintegrated into a new complex whole (combining reciprocity and negation), which can in turn be differentiated into a variety of forms (negations) to constitute the next "intra"-stage up the hierarchy.

This may do as a very broad outline of the developmental architecture (again, for details see Minnameier 2000a and b). Let us now have a look at what has been built up along these constructive principles in the field of moral thinking.

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[2] Note that Piaget has also merged two of his four classical stages of intelligence (i.e. pre-operational and concrete-operational intelligence), because he thinks that the remaining three form such a broad dialectical triad, as well.

[3] Piaget & Garcia speak of „transformation", because objects can be transformed into each other. What is crucial here is a common denominator, which enables such a transformation. I prefer the term (reciprocal) „relation", because especially in the context of moral thinking, individual perspectives are not literally transformed into each other, but only balanced in a certain way.

[4] They think that both „inversion" and „reciprocity" come in at the inter-stage (but are as yet unrelated there), which are then integrated at the trans-stage. As for the latter there is no dissent, but I would hold against Piaget & Garcia that inversion is characteristic of the intra-stage, whilst reciprocity is constitutive for the inter-type of reasoning. But still, the interpretation offered here is not really opposed to Piaget's and Garcia's line of thinking, as they themselves only say that the establishment of reciprocal relations presupposes negation (cf. Piaget/Garcia 1989, p. 177). For a discussion, why negation should be the proper operation for the intra-type of thinking see Minnameier (2000a, pp. 75-82).

As any given triple of stages is conceived to form a more general "level", with those levels being embedded in global "major levels", we finally end up with 3 x 3 x 3 = 27 stages (cf. Fig. 1), technically speaking. At each of the nine intra-stages a specific version of moral subjectivity – i.e. the conviction that individuals necessarily have to have their own views of morality (just as beauty is in the eye of the beholder) – comes up. In other words: Individual perspectives at such an intra-stage are distinguished from each other and always evaluated in their own right, without there being any operation yet available to mediate between those perspectives (like, e.g., negotiation or mutual promises would do).

ASPECTS OF MORAL REFLECTION			current nr.
Universalization *(of the moral point of view)*	**Neutralization** *(of the ethical subjectivity)*	**Equalization** *(of valid claims)*	
Major-Level III (trans)	Level III3 (trans)	**Stage III3c** (trans)	27
		Stage III3b (inter)	26
		Stage III3a (intra)	25
	Level III2 (inter)	**Stage III2c** (trans)	24
		Stage III2b (inter)	23
		Stage III2a (intra)	22
	Level III1 (intra)	**Stage III1c** (trans)	21
		Stage III1b (inter)	20
		Stage III1a (intra)	19
Major-Level II (inter)	Level II3 (trans)	**Stage II3c** (trans)	18
		Stage II3b (inter)	17
		Stage II3a (intra)	16
	Level II2 (inter)	**Stage II2c** (trans)	15
		Stage II2b (inter)	14
		Stage II2a (intra)	13
	Level II1 (intra)	**Stage II1c** (trans)	12
		Stage II1b (inter)	11
		Stage II1a (intra)	10
Major-Level I (intra)	Level I3 (trans)	**Stage I3c** (trans)	9
		Stage I3b (inter)	8
		Stage I3a (intra)	7
	Level I2 (inter)	**Stage I2c** (trans)	6
		Stage I2b (inter)	5
		Stage I2a (intra)	4
	Level I1 (intra)	**Stage I1c** (trans)	3
		Stage I1b (inter)	2
		Stage I1a (intra)	1

Fig. 1: Overview of the stage hierarchy's formal structure

Such reciprocal mechanisms – "inter" – are somehow built in between the two (or more) sides, without really taking into account their proper needs and necessities – e.g. it only requires that mutual exchange is equal, but ignores what the things received or given away really mean to each individual). This problem is dealt with at the "trans"-stage.

Along the fine grid of single stages, new moral claims are derived from additional morally relevant aspects that arise with each new intra-stage and eventually equaled in the course of each developmental triad (which is why I speak of "equalization" as the guiding aspect for the differentiation of stages).

2.2 Stage 4 ½ revisited within the new framework of moral stages

Now let us look at this evolution in some more detail and in the context of Major Level II, in which Kohlberg's "Stage 4 ½" is thought to have its true and proper domicile.

The three major levels are differentiated according to the aspect of "universalization". That is to say, at Major Level I one would always believe that what is conceived as moral at the different stages (1 to 9) is part of an absolute moral law (which could also be called "moral realism" in Kohlberg's terms). What causes the transition to Major Level II (i.e. from Stage I3c to Stage II1a) is the recognition that there are no such absolute – or divine – standards (in the sense of concrete laws such as, e.g., the ten commandments), but that morality consists in rules for social conduct that human beings create by themselves as a consequence of and as a regulation for social interaction. Again, as typical of any type of "inter"-reasoning, society – or also "human nature" as such – here plays the part of a connective between individual moral orientations or is that which mediates between individual viewpoints. However, society as that which is common to all remains external to the reflecting individual, i.e. the moral perspective of the individual cannot really be brought back in, as morality is always and ultimately bound to an *inter*-subjective frame of reference. This limitation is finally overcome at Major Level III, which grounds morality in pure reason, as it were, and thus avoids the ultimately fatal externalism of Major Level II.[5]

Let us now look at the contents of the stages on Major Level II. Stage II1a is perhaps best represented by the Golden Rule ("Do unto others as you would have them do unto you"). It is a principle for public conduct and held for all human beings without any restriction. Yet it is egocentric (or "intra") in that it has everyone act according to what s/he personally considers appropriate. There is no balancing of such individual views at all. Rather could there be, in principle, as many different concrete alternatives for moral action as there are subjects to conceive them.

This creates the need for some kind of mediator who would help establish an obligatory standard for all, but on the basis of the individual claims. This draws to the ideal of a wise and disinterested person who negotiates or sets such standards (Stage II1b). However, different standards are always possible. And how ought one to judge which is the "right" one? This, again, is the problem typical for the inter-stage in general: The morally reflecting individual is thrown upon an external regulator and deprived of any direct influence on the decisions to be taken. Nevertheless, a solution to this problem can be seen in democratic decision-making, which not only (presumably) accounts best for all the individual claims, but also allows for each person's direct participation.

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[5] Major Level III, as a whole, relates to developments in philosophical ethics from – roughly – the beginning of modern times up to present, whereas Major Level II can about be equaled with different forms of ancient Greek philosophizing in ethics.

The Greek polis has gone through precisely this development, with the Golden Rule (or equivalent principles of virtue and temperance) constituting the moral ideal of the early aristocracy, which was superseded by the rule of the tyrants[6] who established general – if "Draconian" – laws and jurisdiction, and which was eventually overcome with Solon's introduction of the first democratic constitution in ancient Athens (cf. e.g. Ehrenberg 1968, pp. 22-24; Salmon 1997, pp. 61-69; Minnameier 2000a, pp. 131-138).

Now, historically speaking, Kohlberg's "Stage 4 ½" – i.e. "Stage II2a", as it were – first came in with the Sophists, who drew to the fact that the different polis-states had all created different laws for the same matters. They were the first to become conscious that democratic decision-making does not necessarily entail an optimal balance between individual claims. Democratic decisions, according to them, were heavily influenced by rhetoric. This lead them to the view that laws were only the contingent result of inter-subjective negotiations or discussions, i.e. they represent merely "positive law" (cf. Pfürtner 1988, pp. 25-27; Kahn 1992, pp. 6-8). Consequently, they hold that everyone ought to promote his own claims as well as he can, as there is no objective criterion for morality (or at least not conceivable for mankind). This is how Protagoras' myth in Plato's dialogue "Protagoras"[7] is to be understood, where he is reported assert that the political art, in contrast to other arts, were not possessed by a few experts, but were shared by all. So, no one is expert, expertise can only be brought about interactively. Unfortunately, Protagoras does not explain, why no specific expertise is necessary to speak on matters of public policy (which is due to the fact that the question was not raised in the dialogue). But consider Taylor's instructive interpretation of the idea of generally shared political art (1991, p. 83):

> It is, however, hard to see how a satisfactory answer could fail to embody the view that, while a technical expert is one who knows how best to attain an agreed end, questions of policy are themselves largely questions about what ends are to be pursued, or which among a number of agreed ends are to be accorded the greatest importance. On this view, these questions are not susceptible of right and wrong answers, and hence there can be no one who is specially qualified to answer them. Rather, each individual has to make up his mind how he wants to live and what sort of community he wants to live in. In so far, then, ... a common policy should be arrived at by consulting (as far as possible) everyone's judgement, which has the consequence that everyone must be given a voice in decision-making. It appears, then, that the familiar doctrine of the subjectivity of the ultimate value-judgements governing human life has to be seen as the ... basis of Protagoras' position.

From all this it seems clear that – contrary to a widespread misunderstanding – the Sophists were all but egoists. They were well aware that human beings depend on society and its laws, and even that laws bear a distinct aspect of justice as the result of a *common* effort towards moral regulations. It is only that, according to them, this perspective remains entirely formal to the reflecting individual, who is nonetheless and exclusively referred to her or his own ethical views.

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[6] It has to be noted that the Greeks at that time were quite content with the tyrants (for the reasons expounded in the text). The negative reputation we associate with „tyranny" today, came in only later and mainly as a result of its condemnation by Aristotle.

[7] Protagoras expresses his ideas in the form of a myth (or story) about the evolution of humankind and its powers or arts. He contrasts the political art with the other arts. Those latter – crafts and the like – were only shared by a few (who are experts). Contrary to this, the political art were shared by all. This passage from Plato's dialogue is widely held to reflect the true ideas of historical Protagoras, although it ultimately cannot be proved (cf. Taylor 1991, pp. 78-79; Allen 1996, p. 100).

What is focused at Level II2 is the fact that people have different ethical values that cannot be reconciled in perfect harmony (as still thought at Stage II1c), but have to be imposed against rival claims of others. Laws or morality at a social level may result as an equilibrium (or compromise), but cannot be rationally conceived by individuals. Protagoras, therefore, deemed it of vital importance that citizens were trained in rhetoric, so that everyone would be able to assert their will properly and thus make a true equilibrium possible (or preclude the formation of oligarchic power structures; cf. Pfürtner [1988, p. 27]). Thus, Stage II2a falls by no means back behind Stage II1c.

The core of Stage II2a being expounded, it may now be time to consider those examples that Kohlberg later interpreted in terms of his "Stage 4 ½". The example is taken from Kohlberg/Kramer (1969) where the authors report subjects' responses to the Heinz-dilemma (where Heinz has to decide if he should steal a drug he cannot pay in order to save his wife's life). Roger (20 years old) thinks Heinz should steal and argues:

> He was a victim of circumstances and can only be judged by other men whose varying value and interest frameworks produce subjective decisions which are neither permanent nor absolute. The same is true of the druggist. I'd do it. As far as duty, a husband's duty is up to the husband to decide, and anybody can judge him, and he can judge anybody's judgment. If he values her life over the consequences of theft, he should do it (p. 110).

Another subject (17 years old), when asked about the importance of the law, says:

> The laws are made by the rich, by cowards to protect themselves. Here we have a law against killing people but we think it's all right to kill animals. In India you can't. Why should it be right to kill people but not animals? You can make anything right or wrong. To me what is right is to follow your own natural instincts (ibid.).

These passages clearly reveal a strong relativistic attitude together with the idea of contingent – or positive – laws. It also shows that the subjects are no outright egoists, but that they are committed to a moral point of view here referred to as "value and interest frameworks" or "natural instincts". What misses a little, in the quotations, is the perspective of society on the competition between individual ethical values, but this will be clearly indicated by the examples to be discussed below (both our own and those given by Turiel).

In order to round off this section on stages within Major Level II, the precise role of the levels in moral development should perhaps be explicated to allow for a better understanding of the overall context. As discussed above, a certain type of ethical relativity is taken into account at Stage II2a that was ignored throughout Level II1 – it only came out as a problem at Stage II1c. Level II2 as a whole deals with the question of how to organize and regulate a society whose members have – or at least are entitled to have – individual value-systems. Stages II2b and II2c try to balance or integrate these conflicting points of view (see the following section).

The move on to Stage II3a, then, is marked by yet another important change in perspective in that it is no more tried to reconcile incompatible *individual* orientations, but to tackle the ethical problem right away from the *society's* point of view. In antiquity such a "conceptual change" took place in the development from Plato to Aristotle, with the former still trying to balance individual positions in a philosophical orientation towards ideal morality (which, according to him, could best be brought about by the "philosopher-kings"), and the latter turning

this thinking upside down in that Aristotle did not attempt to find the "point of intersection" or the "common denominator" for individual ethical values anymore, but derived individual ethics from social ethics altogether (whereas Plato derived social ethics from individual ethics; cf. also Pfürtner [1988, pp. 54-55]).

This indicates how subjective ethical orientation are accounted for at Level II2 and finally integrated to a societal whole at Level II3, where ethical relativity is neutralized (rather than ignored as at Level II1).[8] Therefore, the guiding aspect of for the differentiation of "levels" is called that of "neutralization" in Fig. 1.

3. *An empirical example of progression onto "Stage 4 ½" and beyond*

The development across Levels II1 and II2 should be yet more eludicated when we now turn to the empirical example of a subject who has developed *into* and *out of* Stage II2a. The subject – a young insurance apprentice, whom we may call "John" – has participated in the study already mentioned above (see Note 1). Among other forms of testing we administered Moral Judgment Interviews (cf. Colby/Kohlberg 1987a) in four different domains every year between 1994 and 1999[9]. John was between 20 and 25 years of age at that time.

One of the four domain-specific stories was the well-known Heinz-dilemma, from which all the following passages have been extracted.[10] Let us now see how John thought about this problem in 1994 and the following years (all the quoted passages have been translated to English by the author). The interviewers' questions are put in square brackets.

First interview

In the first interview, John argues at Stage II1c. To the question, what the law meant to him, he replies:

> Well, in the end it would be impossible for so many people to live together properly without any guidelines. Either would we have the law of the jungle or so, and this cannot work or at least I wouldn't like to live there. In this respect, the law, as we have it in our country – this assumed –, is one possible variant, perhaps not the best, but it is one possible variant ... And therefore it has to be obeyed. With respect to this violation just now (John decided that Heinz ought to steal the drug for his wife, G.M.), this can ... (thinks long, before he continues) I do violate the law in one particular respect, but I accept the legal consequences this entails. In this sense (thinks), well, breaking the law is an expression that doesn't really fit, because in a certain sense I do accept it as it is. But for me, at that moment, there is a higher law consisting in the relationship of friendship or love. (...) I'm committed by it, and this commitment weighs more heavily in these few exceptions, in my view. After all, it is not every two days, or so, that I would have to infringe the laws. But I have to accept and live with the consequences, and this is, I think, what I do.

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[8] Similar processes take place at Major Levels I and III.

[9] Thus, the study also covered the time after the apprenticeship (John kept on working in the insurance industry). But this is of no direct importance in the present context.

[10] They are mostly answers to the question about the importance of laws and their abidance, as this question in particular seems to have stimulated elaborated moral reflections

A little later in the interview, he is asked if our law should allow for the possibility that people such as Heinz could go unpunished:

> Our law is already so leaky, because it tries to be just to everyone. This leads to loopholes and this (the decision that Heinz should get away with his theft, G.M.) would be the greatest possible loophole, because then everybody could come and pretend he just wanted to do this and that. Everything would break down. And everybody could just do what he wants. (...) Our law may not be the best alternative, but it is the best we have.

First of all, John's reasoning is very typical for what Kohlberg defines as characteristic of his "Stage 4": a strong commitment to democratic laws (democracy implied by John's remark that he only talked about laws as we have them), the reference to a higher moral law which would vindicate exceptions in special circumstances. Moreover, John also draws to all the aspects that are particularly relevant within Level II1 in terms of the present taxonomy. The ethical point of view as contained in the individual's conscience (which is constitutive of Stage II1a), the already mentioned commitment to laws together with the necessity of a generally valid and applicable system of regulations, and this latter being based on democratic decision-making. However, he clearly remains within the framework of Level II1, because he still thinks that individual conscience and public law won't get into real conflict. Moreover, he has no doubt as to the legitimacy of laws as long as they are produced in a democratic process. This becomes obvious in the next passage.

> [Would you consider it justified, if Heinz were only punished moderately due to extenuating circumstances as he had to take such a difficult decision?] This is certainly correct. If someone acted out of good motives, it would be quite legitimate to make certain concessions. For one can't measure each case by the same standards and lump everyone together. (...)
> [You mentioned the role of the jury and that it is not down to one single person to take the decision. But each juror would still have to make up her or his own mind, wouldn't they?] Yes, but so many people ought to come to a correct decision, normally this would have to be so. On the basis of the facts and personal feeling, they have to come to a verdict.

This passage stresses both the importance of addressing individual needs and necessities and the validity of democratic decision-making (with an almost absolute confidence in the latter).

Second interview

One year later, John's reasoning has changed, although he still thinks that Heinz should steal the drug to save his wife and at first evaluates the role of laws in a similar way as before. Asked for his justification of the theft, he now argues:

> It remains a violation of the law. In so far, this (the plight of his wife, G.M.) cannot justify it (the act of stealing, G.M.), cannot legitimate it. It is a merely humane decision in this moment.
> [From where can those humane decisions be derived? What could be the basis, if not the law?] I can only answer for myself, here. And here I would refer to my own morality as the basis or my own understanding. This is a morality that every human being has for her- or himself. And according to my own view I would say: "Do it."
> [Can you elucidate this morality?] Everybody has his own attitude towards their fellow human beings. Some have an extremely social attitude; they would do everything for everyone. Some have an egocentric or egoistic attitude – such as "It doesn't matter what happens when we've gone".

> And most people are somewhere in between. And from this there has evolved a sort of a standard in society, which is commonly called "morals".

This hardly needs any comment so far, so clearly does John express the main ideas of Stage II2a (or Kohlbergs Stage "4 ½", respectively). This is, as far as the argument has been reported, the idea of "positive law" as a compromise between diverging individual views, and a prerogative for the latter in case personal views do not comply with the law. This conflict is also expressed in John's continuation of the argument (contrary to his former belief in harmony in this respect). When asked if his own humanitarian ideas were not in conflict with the law, he answers:

> Conflict for sure.
> [And how to straighten this out, in your opinion?] Difficult. Only on the level that I say: "When I get caught, I will have to take the consequences".
> [That means, you wouldn't really have reservations against infringing the law in the sense of violating the established order in society?] Laws are a framework, created in due process. But a general law cannot cover every particular situation. I have to abide by it, but in a situation, where I would say: "I can't obey it, because I'm simply a human being, and you can't represent a human being in a statute book", then I have to live with the consequences that my violation entails.

Here he explains the contrast between laws at the social level and ethical values at the individual level, which is typical for Stage II2a (and very similar to Protagoras' view). Although the law is generally respected – as a means of regulation as well as for the individual's own sake –, and although it stands to reason that society has to punish law-breakers, the individual is ultimately committed to her or his own moral point of view.

Third interview

In the third interview, John shows that he had again developed one stage higher. Now the law plays the most prominent role as opposed to individual orientations. Prompted for a decision whether Heinz should steal or not, he argues:

> It would be right not to do it, that is not burgle the druggist's.
> [Would you think one ought to obey the law in this situation – or perhaps not?] Well, it is quite something different to evaluate this from the outside compared to being in this situation yourself. From an outside point of view I would say: "He should not do it".
> [And why not?] Well, just looking rationally at it. According to the law, it has to be like that. The druggist has a right to demand a certain price, and if he (Heinz, G.M.) can't get it together, he can't get it together. (...)
> [Do you think it understandable from an outsider's point of view, if Heinz said that in this situation he would do it?] One could understand it, yes. [And would the outsider have to accept it, then?] In this case, I would say that I can understand it, but that he had to answer for it to the full extent provided for by the law.

Whereas before John readily went back on his commitment to the law when his own feelings stood against, he now argues the other way round saying Heinz' possible burglary would be understandable, but as yet not acceptable. This, within the present frame of reference, is indicative of Stage II2b on which it is held that the inter-subjectively conceived and agreed laws constituted the only ethical standard that deserved the name.

The foregoing problem inherent in the reasoning of Stage II2a is that, on the one hand, the societal perspective is taken on, but that on the other hand the individual is necessarily condemned to one-sidedness, because s/he has to follow her or his own convictions and can never, in principle, *conceive* the societal perspective in any substantial manner (with "justice" on the inter-subjective level remaining an empty concept).

Contrary to this, Stage II2b stresses reciprocity. To draw the historical parallel, Socrates e.g. held against the Sophists that as a citizen one had already accepted the laws and thus could not possible violate the without contradiction. One might perhaps wish to change the laws, and they could always be criticized, but once – or as long as – they were enforced, they had to be obeyed. This is why Socrates himself accepted the death-penalty that was imposed on him (cf. Dittrich 1964, pp. 183-184; also Cooper 1992).

The conflict into which Stage II2b in turn ultimately leads, derives from the downright externalism of this stage, which leaves no room for the individual's proper concept of justice. If a law is considered unjust, this view logically clashes with the conviction that laws were necessarily just (provided they were the result of an inter-subjective exchange and discussion of views under a democratic order).

This is the problem that John may also run into, in view of the following statement (relating to the difference between "understanding" and "accepting"):

> [Would it be a difference for you of the sort – well, reason on the one hand tells me to steal, feeling tells me not to steal. Or could you sort this out on a rational level?] No, this would pretty well be a conflict between feelings and rational thought.

In history, it was Plato who had finally overcome this conflict, and John, too, had got to this stage (i.e. Stage II2c) the year after, when he was next interviewed. But before we see to this, one remark should perhaps be made concerning the Kohlberg theory.

John's reasoning in this third interview (as well as our general description of Stage II2b) would probably have to be scored at "Stage 4" according to Kohlberg's scoring manual (Colby/Kohlberg 1987b).[11] This would mean that John had moved from "Stage 4" (II1c) in the first interview to "Stage 4 ½" (II2a) in the second, and back again – following Kohlberg – to "Stage 4" (II2b). In opposition to Kohlberg's evaluation, however, we would identify a steady movement from Stage II1c to Stage II2b so far.

In the light of the presented alternative taxonomy Kohlberg's stage conceptions appear to be too indistinct – not only in the sense that several substages were lumped together into a very coarse one, but that the Kohlberg theory identifies as identical different types of reasoning that may in reality be further apart on the stage ladder and may have other (Kohlbergian) forms of moral thinking between them. As far as this is the case, it must lead to disturbances within the Kohlberg's frame of reference (as shown above). And such problems have already been reported, especially with respect to early moral thinking (cf. Döbert 1987; Keller

[11] Cf. "Criterion Judgment" (CJ) #22 on the "law" issue, pp. 84-85, as well as CJ#22 on the "punishment" issue, pp. 166-167.

1990)[12]. Unfortunately, this interesting question cannot be taken up here in the manner it would deserve, but it should at least have been hinted at it.

Fourth interview

As already indicated above, John now proceeded to a balanced view with reference to moral subjectivity (or internalism) at Stage II2a and externalism at Stage II2b. (This new thinking at Stage II2c would probably have to be scored as "Stage 5" in the sense of Kohlberg.) John now thinks – also from the outside perspective – that Heinz ought to steal. Here is how he justifies his opinion:

> In these circumstances it is a decision – what should I call it – of a critical human understanding. That is, the statute book lies there; it has been written a long time ago for general situations. Well, and I am in a concrete situation here and now, where I eventually have to take a decision, and I won't do it the way someone has written it down some time. (...)
> [From where, then, can you draw an orientation, if the law ought to be changed or abolished?] This is a difficult job. Legislation is certainly not easy – you've got to try to do the best you can and account for real-life cases as much as possible. But somehow human reason will always be limited, so that, in the long run, laws will have to be changed again and further developed world-wide.

The key idea of John's current thinking thus is that a rational evaluation of laws is possible and that, following the ideal of justice, an attempt to an optimal balance between individual claims is always feasible, albeit only approximately and imperfectly. This, in my view, is also the essence of what Plato would have expected from his "philosopher-kings".

The fifth interview could not take place. Therefore we go on straight to the sixth and last one.

Sixth interview

It is not absolutely clear (to me), whether John has taken yet another step in the meantime. Let us first see what John says and reflect on it then. As to the druggist, he expresses the following view:

> He would have the moral obligation at least to allow for delayed payment, as long as his costs were covered. If he doesn't accept this, I don't see any reason, why the druggist ought to be awkward and not agree to this suggestion in this case, where a human life is at stake. That's even a moral transgression, what is committed here.
> [Why would it be a moral transgression?] What is morality? It is at least to protect a human life. I think, this is a fundamental duty in civilized society. (...)
> [You said, the possibility to save a life without having to break the law was in the druggist's hands. He has the possibility, yes, but why should he translate it into action?] Because he has the possibility to save this life without breaking the law and this commits him morally. (...) Heinz has

[13] These publications highlight the problem, that young children (up to six years) already take moral points of view that seem to indicate higher moral stages, whilst the children are thought and expected to be at Kohlberg "Stage 1". It should be noted that these variations within "Stage 1" can be accommodated within the proposed frame of reference, in which nine forms of "moral realism" (which is Kohlberg's main criterion for his "Stage 1") are distinguished (Major Level I in Fig.1 above).

no strong moral argument to infringe the rules that hold society together in the first place, that make society possible. The druggist doesn't need such an argument, because he doesn't have to infringe on society. He betrays morals with his attitude, but he wouldn't have to violate the written principles of society.

Still, John is neither a relativist (Stage II2a), nor would he feel committed to just any law created in due process (Stage II2b) anymore. As in the fourth interview, he asserts his view of what he thinks appropriate in society, which he considers compelling. So, he does at least not fall behind Stage II2c, which he was already assigned with respect to the fourth interview.

The emphasis on society as a whole and the moral principles that keep it together, however, could already indicate the perspective of Stage II3a, where society comes first and the individual is regarded as only a part of it which has to be chiefly concerned with the maintenance and functioning of the whole (in the sense of Aristotle, see above). On the available evidence, however, I would not vouch for this interpretation, all the less as it is not central in the context of the present argumentation. What is important is that it has been shown, how Stage II2a (Kohlberg's Stage "4 ½") is embedded in a wider context of development and that the proposed new stage taxonomy can perfectly well accommodate it. In what follows, I would like to discuss Turiel's account of "Stage 4 ½" and try to explain, why I would consider it inappropriate.

4. *Turiel's analysis of "Stage 4 ½" reasoning*

4.1 Characteristics of and examples for "Stage 4 ½" according to Turiel

More than 25 years ago, Turiel (1974)[13] has tried to show that the newly identified "Stage 4 ½" marked a transitional phase between Kohlberg Stages 4 and 5. To underpin this transitional status, he attempted to reveal conflicts and contradictions inherent in this stage. In this section, we will have a look at his characterization of "Stage 4 ½" and the examples he gives. The following section deal with the question of inherent conflict.

Turiel lists six characteristic aspects of "Stage 4 ½"-reasoning. This is how he puts it (pp. 19-20):

1. Society and the individual are distinguished as moral agents and there is recognition of diversity of value systems. This leads to a questioning of Stage 4 definitions of (*a*) morality as a code of fixed and unalterable rules that (*b*) are derived from and dictated by society.

2. Reference to external standards such as law, authority, God, etc. as criteria for the validity and objectivity of moral values is questioned. These are seen as inadequate forms of verification of the "truth" or universality of morality.

3. Having questioned the Stage 4 conception, subjects view societies as lawful and self-regulating systems. Stage 4 morality is seen as inadequate in that it does not respect the right of other societies to hold opposing vies and in that it can lead to impositions of one society upon another.

[13] All the following quotations refer to this text.

4. The definition of morality as rules and values dictated by society is regarded as constituting an arbitrary limitation of individual freedom and an imposition upon the individual. Restrictions upon individuals who hold diverse values through imposition of social standards is seen as unjustified in the absence of objectively valid moral values. There is an initial attempt to define values of individual rights and freedom, centering around the right of individuals to make autonomous moral decisions.

5. Formulation of the principle of equal worth of individuals stems from the rejection of Stage 4 moral terminology. Evaluation of people as good and bad is seen as a means of classifying them into unequal categories.

6. Concern with adequate verification of moral validity entails an attempt to differentiate moral principles and conventional values.

So far, this is completely in line with the above description of Stage II2a. It also matches perfectly with the moral philosophy of the Sophists. Let us underpin this with some of Turiel's sample-responses by his subjects. With reference to (1) he quotes a 19-year-old college sophomore, whom he calls Subject A:[14]

[Do you think it is the husband's duty to steal the drug for his wife if he can get it in no other way?] I don't know, I hate to use the word duty, because your are imposing a moral of society and who is to say what you should do and shouldn't do. If he believes that it is his duty, fine, but I can't say that it is his duty (p. 20).

A little later, the argument continues:

It is just that I really believe you can't go into someone else's mind and tell them what is right. I can't see the world through anyone else's eyes. The world might be totally different through someone else's eyes and really justifies a morality that is totally different from that.[15] I really can't say that they are wrong for themselves. They might be wrong for society. And if they go out hunting other individuals, then I guess I would have to judge them and possibly punish them ... If their vision of reality is very much different from the socially acceptable vision, then they are going to come to different conclusions as to morality. And I can't condemn a man simply because he has different view of morality. It may be one that is not very efficient or does not work very well. It may be one that hurts other people, but I can't condemn them for having that view of reality (p. 21).

There is hardly any comment needed. What is salient is not only the individualism expressed in these passages, but also the idea of "positive" law in the second part. Subject A's philosophy, moreover, reminds us strongly of Protagoras' famous dictum that "Man is the measure of all things".

As for the second aspect (questioning of the objectivity of moral values), Turiel quotes 18 years old Subject B on the question of returning an escaped slave or not:

Looking at it from "God's point of view" there is no way of knowing the way God, if he exists, or truth, if it exists, would look at it. In making the decision, I just have to go by my own value judgment and that is simply that it is wrong to return a slave (p. 21)

[14] The quotation of the interviewer is adapted to the format used above (Turiel has put them in italics).

[15] There is no typing error. The sentence is grammatically awkward.

I selected this passage, because it reflects what Protagoras expresses in his myth (see above), that their might even be some sort of divine or objective point of view, but that it was impossible for a human being to take this point of view.

With reference to the relativity of laws or "positive law" (3) Turiel himself says that at this stage "(s)ociety is no longer defined as a system with a cohesive code of rules and values; moral values are regarded as labels and evaluations. Nevertheless, there is an attempt to explain societies as lawful systems. The basis for the lawfulness of society is seen to rest not on moral codes, but on evolutionary and sociological principles of survival and efficiency" (p. 22). He quotes Subject A again (who also stresses the fact, that law-abidance in general is in each individuals own interest):

> Any species, human or not, tends to adopt behaviors that are good for it simply because of evolution or natural selection. But species where you had just random killing of other members would soon be decimated ... How can it be feasible for any species to go around killing its own members if you aren't just going to wipe it out? It is not natural. A species wants to flourish, if anything, and have more members (p. 22).

This idea is also expressed under Turiel's forth aspect (society's morality as an arbitrary limitation to individual freedom). First we will quote Subject A, then Subject B.:

> In any given value judgement most people would tend to lean in one direction. Because of that, I guess society says that would be morally right. So for society, that is morally right. However, for the individual, in the end you have to compromise society to some extent. You have to live in society. But I think to everyone, it is vastly more important to follow their own conscience (Subject A, p. 23).

> I have this set of values and his values are going against it. I've got to work for mine and he's got to work for his, and somehow we have got to come out on some sort of society that exists on some set of values, some compromise set of values. So I will push what I believe in, but I will never say that I am absolutely right (Subject B, p. 24).

All these statements comply so extraordinarily well with what has been described as Stage II2a that it does not seem necessary to quote any further examples on Turiel's remaining two aspects. In my view they would not add much to the point anymore, and the interested reader can always provide himself with the original text. What seems more interesting at this stage of our discussion is an evaluation of Turiel's view that all those subjects were cognitively located on the edge of a developmental transition, and not on a true stage of moral thinking.

4.2 Why Turiel's account of "Stage 4 ½" goes awry

According to Turiel (and Kohlberg), "Stage 4 ½" reasoning marks a transitional phase on grounds of it bearing internal conflicts. He makes out "three forms of conflict emanating from the interplay of Stage 4 and Stage 5 conceptions" (p. 25), stemming from (1) "the differentiation of the moral and the conventional" (ibid.), (2) the "conceptions of relativism and moral judgments" (pp. 25-26), and (3) "from the perspectives taken upon the individual and society" (p. 27).

With the first point, Turiel draws to the fact that subjects at "Stage 4 ½" would rather act according to their own moral values than according to social conventions. Yet, from the outside view, they would evaluate their own values on the same level as ordinary conventions (cf. p. 26). But still, this is merely the consequence of relativism, and it does not appear inconsistent as that (on the contrary, it would have been inconsistent, had they thought their subjective views superior to those of others).

The essence of the second conflict is, in Turiel's words, "that, on the one hand, they (the subjects; G.M.) stated that moral judgments should not be made, and, on the other hand, they made moral judgments" (ibid.). However, the subjects do not see this conflict in exactly this way (see also the example given by Turiel). They are against claiming that moral judgments or social rules could be objectively just and morally binding, but none of the quoted subjects said that personal moral judgments should not be made. Here Turiel equals something that the subjects do not equal.

The third aspect relates the claim of individual freedom to the role of society. Subject A, e.g., said: "He should be free to decide what he wants to do, regardless of what society wants" or "I think to every one it is vastly more important to follow their own consciences" (p. 27). But Subject A also holds, what according to Turiel creates a "direct contradiction" (ibid.):

> It may be efficient for you as an individual, but biological systems don't work for individuals, they work for groups. In other words, what is best for the group, not what is best for the individual. So it may be best for you as an individual to kill somebody, but it is not good for the group. ... If you were the only person in the world, fine, it wouldn't make any difference. You could think killing was great. But while you have to live in a group, you have to do things that are best for the group (Subject A, ibid.).

Turiel overlooks that according to Stage II2a (or be it "Stage 4 ½") (a) individuals are thought to act in compliance with the laws in their own interest, for without laws they would have to fear the unlimited and uneased "freedom" of others, and that (b) the subjects do not absolutely deny that there were justice at the social level, but that they only claim the impossibility for human beings to conceive it (which is why they feel they have to rely on their own conscience, ultimately).

What does all this tell us? In my view it reveals that it is basically Turiel, who projects these conflicts onto the subjects. In a way, he may even be right with what he says, but that is his – Turiel's – perspective, not the subjects'. It seems they themselves do not feel very much of these conflicts, which raises the question, whether you can possibly be in a conflict without being conscious of it.

I would deny this, and the main reason I would like to give here is that you would always be in a phase of transition, if the idea of an unconscious conflict were affirmed. At least as long as Kohlberg's "Stage 6" (if it were the ultimate stage) is not attained, there are supposed to be implicit contradictions within each stage conception. And this is even necessary, because these contradictions are considered as the impetus of development, by all means. In structural genetic theory there is no development without conflict. So there is no point at all in saying that inconsistencies may be revealed from "Stage 4 ½" arguments. And consequently, Turiel's criterion of delimitation between real, equilibrated stages and "Stage 4 ½" as a transitional stage (that there be inherent contradictions) is not valid.

Every stage below "Stage 6" should necessarily meet this criterion. For instance, with respect to Turiel's first aspect of contradiction, one might ask what entitles individuals to follow their own moral values if, from the outside view, there were nothing particularly favorable or compelling about them? This problem may finally lead on to the next stage, and therefore some could very well get into it, but subjects who are well established at "Stage 4 ½" simply are not in this conflict (yet). Consequently, there is no reason left to claim why "Stage 4 ½" should not be regarded as a stage in its own right – i.e. Stage II2a.

5. Conclusion

All in all, it comes out that the suggested new stage hierarchy can elegantly integrate Kohlberg's "Stage 4 ½" as a genuine stage of moral reasoning and solve – or rather prevent – many problems this stage creates in Kohlberg's framework. In this sense "Stage 4 ½" has not only been neatly accommodated, but also "domesticated". Besides, this stage is in no way more inconsistent in itself than any other possible stage. More empirical investigation would certainly be necessary – especially with respect to developmental stage sequences –, but the reported data are considered to provide good and cogent evidence. And the stage taxonomy thus supported should give reason to become detached, to some extent, from the Kohlberg theory and open oneself up for this new perspective in moral psychology.

As the reconstructive attempt shows, this new conception does not depart much from the Kohlberg theory in many respects. It postulates new stages, yes, but it preserves the structural genetic approach – if it may not even develop it further – and it accommodates Kohlberg's stages, rather than declaring them null and void. Moreover, with respect to the special problem of "Stage 4 ½" it is held that Kohlberg and Turiel have got many things perfectly right, but that they have just taken the wrong consequences owing to their conviction of the validity of the six-stages-model. It was right to "invent" a new stage, and their description of this stage fits perfectly well with the structural aspects of Stage II2a in the proposed alternative framework and also with the example of the Sophist's ethics. Where they went awry, it seems, was when they denied it the status of a full-fledged stage and consequently tried to explain its transitional character (which it hasn't). So the situation is as if Kohlberg and Turiel did have all the right and selected ingredients for a delicious dinner, but followed the wrong recipe.

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